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December 31, 2000

Docket Management System  
U. S. Department of Transportation  
Room Plaza 401  
400 Seventh St., S.W.  
Washington, DC 20590-0001

RE: Docket No. FAA-2000-8274; Notice No. 00-13 -49

To Whom it May Concern:

There are numerous points of concern relating to this NPRM. The NPRM foremost addresses safety as its premise. As a pilot, I agree that safety of flight should be priority number one. I however, question the effectiveness and validity of the proposal.

The background states that due to requests and petitions from the Department of Defense, the International Council of Air Shows, as well as various other sporting event organizations, the FAA finds the "issues identified" have merit. While I agree that having a non-participating aircraft "wandering" into airspace while an air show or practice session is underway, could have disastrous results. (ICAS reports 48 intrusions in 8 years) I would also point out the fact that currently, this same airspace would have already been under NOTAM advising "closure" or "avoidance" and the act of placing a "TFR" on that same airspace would have more than likely **NOT** prevented these intrusions. I would suggest that there are already means in effect to help keep non-participating aircraft clear of a demonstration area. A "TFR" in this case would be simply redundant and useless if the pilot fails to obtain the information in the first place. If the act of placing the "TFR" is to simply give a better vehicle to prosecute violators, I refer back to FAR 91.13 "careless and reckless" again, I submit that we already have plenty of enforceable regulations in place to cover these situations, they simply need to be enforced. If that is not the point, I contend that a pilot flying into airspace that the "Blue Angles" are actively operating in will do it "TFR" or not.

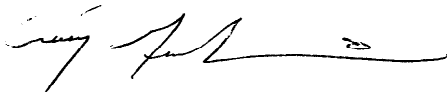
I further have extreme concerns as to the restriction of flight around and near "major sporting events", As I own and operate an aerial advertising company. **ALL** aerial advertising companies currently operate on a FAA issued waiver. Provisions of the waiver predicate safe operation, including, but not limited to; altitudes, crowd setback and separation, weather minimums, emergency procedures, equipment standards, to name just a few. To the best of my knowledge, there has never been a single loss of life or injury to spectators due to the banner towing industry. However, even with such a high standard and record of safety, the implementation of this "TFR" as proposed, would directly prohibit our industry from operating around these events. I point out that the purpose of this proposal is to "enhance the safe and efficient use of airspace and to prevent any unsafe congestion of sightseeing and other aircraft operations in the vicinity of hazard areas, disaster areas, aerial demonstrations, or major sporting events". I submit that as a banner tow operator, I have no interest in being in a hazard or disaster area and very little interest in being in an aerial demonstration area. (If I need to tow there, I would more than likely be a part of the show). As part of my profession, I

need the ability to operate around sporting events without additional restrictions. To date, we as waived banner tow operators have shown that we can and do operate in a safe and efficient manner. I propose that due to the fact that we are already a specifically regulated entity, complying with safe and efficient practices, waived aerial advertising operators be specifically exempt from at least any "TFR" under this provision pertaining to flight around or near "major sporting events" or other events in the future that may be deemed to qualify under this proposal.

Further, I take exception to the FAA's statement that there is little or no economic impact. My business would be devastated if I were not allowed to operate around the two or three major venues in my area. After having conversations with other operators in the area, I know for fact this is true for them as well. I also know for fact that most aerial advertising companies across the nation depend on these same types of venues for a major portion of their direct income. Then, there is all of the indirect impact. All employees, manufacturers, fuel suppliers, parts suppliers, insurance companies, even a large tax base for federal, state and local entities, just to name a few. The advertisers themselves would also be affected. By limiting their ability to market their products, many companies would see a decrease in sales due to this loss of advertising. This is a very viable means of advertising for many small companies who cannot afford other higher priced mediums. I see nowhere that any of these items are addressed under "The Regulatory Flexibility Act of 1980". I find that the FAA's certification that the proposed rule "would not have a significant economic impact on a substantial number of small entities" to be totally untrue and unfounded. I find it hard to believe that this was just an oversight given the scope of our industry and the regulations that accompany it. However, if this was an oversight, I would also submit that the research the FAA did pertaining to this NPRM was very poorly done and incomplete.

In summary, I agree that while safety is the most important thing to consider while making any rule or regulation, I feel that there are already sufficient rules and regulations to cover most concerns encompassed within this NPRM. If in the event a new rule must be written, I urge you to make any decisions with complete facts and ask that the FAA reevaluate their certification of economic impact. Also, I ask you to consider the need of redundant rules and regulations. Let's enforce the rules we already have instead of writing new ones just to make everyone "feel good". Last, at least consider a complete exemption for the "major sporting events" section of this NPRM for commercial and waived operators such as aerial advertising companies who's livelihoods depend on being able to participate in air commerce in these areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig Genheimer", with a stylized flourish at the end.

Craig Genheimer  
Banner Tow Operations